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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,560	12/07/2001	Alexander C. Loui	83799SLP	8608
7590 08/24/2006				
Eastman Kodak Company 343 State Street Rochester, NY 14650-2201		EXAMINER SIDDIQI, MOHAMMAD A		
		ART UNIT 2154		PAPER NUMBER

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/020,560	<b>Applicant(s)</b> LOUI ET AL.	
	<b>Examiner</b> Mohammad A. Siddiqi	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06/02/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-53 are presented for examination.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/02/2006 has been entered.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The claimed invention is directed to non-statutory subject matter. A system/apparatus where all of the elements would reasonably be

interpreted by one of ordinary skill in light of the disclosure as software, such that the system/apparatus is software, per se.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 2002/0087622) hereinafter (Anderson) in view of Redd et al. (6,646,754) (hereinafter Redd).

6. As per claim 1, Anderson discloses a method of producing a multimedia media, comprising the steps of:

(a) using a software program (102, fig 2A) at a first location to select and arrange a plurality of digital images in a user-identified order (202,204, fig 4) to produce a multimedia (page 3, paragraph 36) composition comprised of the plurality of digital images (image-related web application, 100, fig 2A; page 2, paragraph #17);

(b) using the software at the first location to transform and encode the multimedia composition to produce a digital video bit-stream (capturing and displaying images, page 1, paragraph 9, page 2, paragraph #26; page 3, paragraph 36);

(c) accessing the digital bit-stream at the first location to view the digital bit-stream (allowing photo-service websites to receive and send images, page 2, paragraph #24);

(e) transmitting the bit-stream to a second location remote from the first location (transmitting to photo service site, 12, 18, fig 1, page 2, paragraph 25);

Anderson does not specifically disclose (d) generating an order request to create the multimedia media comprised of the digital bit-stream; and (f) fulfilling the order request. However, generating an order, transmitting the order from one location to second and fulfilling order are well known in the photo service art. For example, Redd discloses (d) generating an order request to create the multimedia media comprised of the digital bit-stream (fig 3A, 3B); and (f) fulfilling the order request (406, fig 5). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Anderson and Redd. The motivation would have been providing central photo service sites which can be accessed from a wide range of client devices.

7. As per claim 2, the claim is rejected for the same reasons as claim 1, above. In addition, Anderson discloses using the software program at the first location to arrange a second plurality of digital images to produce a second multimedia composition (page 2, paragraph #17 and #18); using the software program at the first location to encode the second multimedia composition to produce a second digital bit-stream (capturing and displaying images, page 1, paragraph 9, page 2, paragraph #26); and transmitting the order request to the service provider to create the multimedia media comprised of the digital bit-stream and the second digital bit-stream (transmitting to photo service site, 12, 18, fig 1, page 2, paragraph 25).

8. As per claim 3, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses prior to transmitting the order request, using the software program to modifying the arrangement of the plurality of digital images (fig 1, first, second and third pass).

9. As per claim 4, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses, prior to fulfilling the order request, providing payment for the multimedia media (fig 3E, 406 fig 5).

10. As per claim 5, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses payment is provided by providing a credit card number (fig 3E).

11. As per claim 6, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses using the software program at the first location to include audio material associated with a portion of the plurality of digital images of the multimedia composition (col 7, lines 16-21).

12. As per claim 7, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses using the software program at the first location to include textual information with the plurality of digital images to produce the multimedia composition (col 7, lines 10-21).

13. As per claim 8, the claim is rejected for the same reasons as claim 1, above. In addition, Anderson discloses digital bit-stream is low resolution (page 5, paragraph #51).

14. As per claim 9, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses of transmitting an electronic message

indicative of the fulfillment of the order request (406, fig 5).

15. As per claim 10, the claim is rejected for the same reasons as claim 1, above. In addition, Redd discloses generating an order request (404 fig 5); and transmitting an electronic message indicative of the generation and transmission of the order request (fig 5, fig 6).

16. As per claim 11, the claim is rejected for the same reasons as claim 1, above. In addition, Anderson discloses (b) the user transmitting the multimedia composition to a service provider located at a second location remote from the first location (12,18 fig 1);

17. As per claims 12-20, claims are rejected for the same reasons as claims 11 and 2-10, above.

18. As per claim 21, the claim is rejected for the same reasons as claim 11, above.

19. As per claim 22, the claim is rejected for the same reasons as claim 11, above. In addition, Anderson discloses (a) a user located at a first location accessing a thumbnail version of each of a plurality of digital images



located at a second location remote from the first location (page 5, paragraph #51);

(c) the user transmitting the multimedia composition script to a service provider located at the second location (page 1, paragraph #9; page paragraph #37);

20. Claims 23 -31, claims are rejected for the same reasons as claims 22, and 2-10, above.

21. As per claim 32, the claim is rejected for the same reasons as claim 22, above.

22. As per claim 33, the claim is rejected for the same reasons as claim 22, above. In addition, Redd discloses (a) providing a service provider with a undeveloped exposed film roll at a remote site for development to produce a plurality of digital images (col 1, lines 19-30);

23. As per claims 34-42, claims are rejected for the same reasons as claims 33 and 2-10, above.

24. As per claims 43-53, claims are rejected for the same reasons as claims 22-31, above.

### ***Response to Arguments***

25. Applicant's arguments filed 06/02/2006 have been fully considered but they are not persuasive, therefore rejections to claims 1-53 is maintained.

26. In the remarks applicants argued that:

**Argument:** Anderson does not using a software program at a first location to select and arrange a plurality of digital images in a user-identified order to produce a multimedia composition comprised of the plurality of digital images.

**Response:** Anderson teaches using a software program (102, fig 2A) at a first location to select and arrange a plurality of digital images in a user-identified order (202,204, fig 4) to produce a multimedia (page 3, paragraph 36) composition comprised of the plurality of digital images (image-related web application, 100, fig 2A; page 2, paragraph #17).

**Argument:** Redd does not teach inclusion of audio material.

**Response:** Redd teaches inclusion of audio material (encodes an audio message associated with the image, col 7, lines 16-21).

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

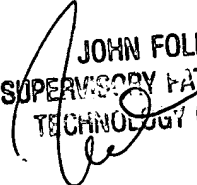
U.S. Patent 7,027,172

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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